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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
09 AT SEATTLE

10 NORMAN GOTCHER, JR.,) Case No. 04-02417-TSZ-JPD
11 Plaintiff,)
12 v.) ORDER GRANTING EXTENSION OF
13 KEN RAY et al.,) DISCOVERY DEADLINE
14 Defendants.)

)

15 This matter comes before the Court upon plaintiff's motion to extend the discovery
16 deadline for the above-captioned matter. Dkt. No. 65. Plaintiff argues that he is entitled to an
17 extension because he has had difficulty preparing and sending interrogatories. Dkt. No. 65.
18 Defendants have filed a motion "strongly" opposing plaintiff's motion and argue that plaintiff
19 has failed to demonstrate good cause for an extension. Dkt. No. 68. Having reviewed the
20 parties' papers and the balance of the record, the Court ORDERS as follows:

21 (1) Plaintiff's motion for extension of time, Dkt. No. 65, is GRANTED.

22 Federal Rule of Civil Procedure 16(b) provides for the modification of a scheduling
23 order upon a "showing of good cause" by the moving party. Fed. R. Civ. P. 16(b). The Court
24 may modify the pretrial schedule "if it cannot reasonably be met despite the diligence of the
25 party seeking the extension." Fed. R. Civ. P. 16, Advisory Committee Notes (1983
26 Amendment). Although the existence or degree of prejudice to the party opposing the

01 modification, if any, can provide additional reasons to deny a motion, the focus of the inquiry is
 02 upon the moving party's reasons for seeking modification. *See Johnson v. Mammoth*
 03 *Recreation, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (internal citations omitted). If the moving
 04 party was not diligent, the inquiry should end. *Id.*

05 Plaintiff has demonstrated good cause here. Plaintiff's motion indicates that he has had
 06 difficulties preparing for trial because of limited prison resources. Dkt. No. 65. Specifically,
 07 he has indicated that photocopying materials for his case has taken longer than expected
 08 because prison library personnel have been obstructing his use of library facilities. Dkt. No. 65.
 09 Plaintiff filed at least one grievance against prison library personnel in connection with these
 10 allegations. Dkt. No. 65, Plaintiff's Affidavit in Support. The Court further notes that it has
 11 already granted plaintiff an extension to discover additional names and that he has diligently
 12 attempted to have met that deadline. Dkt. No. 56. These facts indicate plaintiff has diligently
 13 attempted to conform to this Court's scheduling orders.

14 Defendants argue that the motion should not be granted because any delays plaintiff is
 15 experiencing are "all of his own making." Dkt. No. 68. They also contend that plaintiff should
 16 not be granted an extension of time because he is familiar with the Federal Rules and generally
 17 understands the litigation process. Dkt. No. 68. Nevertheless, the focus of the Court's inquiry
 18 is on the moving party's diligence in attempting to adhere to the Court's schedule. Here, it
 19 appears plaintiff has made his best efforts to do so. Defendants have not demonstrated
 20 otherwise, nor shown that they will be prejudiced.

21 Hence, plaintiff shall be granted an additional **seven (7) days** to complete discovery.
 22 The discovery deadline shall be moved to **July 22, 2005**. The Court advises plaintiff that **no**
 23 **further extensions will be granted**.

24 (2) The Clerk is directed to return to petitioner his original grievance forms, which
 25 are presently filed as the attachment to his motion. Dkt. No. 65.

(3) The Clerk is directed to send a copy of this Order to plaintiff, counsel for the defendants, and to the Honorable Thomas S. Zilly.

DATED this 21st day of June, 2005.

James P. Donohue
JAMES P. DONOHUE
United States Magistrate Judge